

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRELL J. MAR, SR., Individually And)	
DARRELL J. MAR, SR. as Parent and)	
Natural Guardian of DARRELL J. MARS,)	2:05-cv-19
JR.,)	
)	
Plaintiff,)	
v.)	
)	
CITY OF MCKEESPORT, JOSEPH)	
PERO, WAYNE DENNIS WYNN,)	
DEPUTY CHIEF MARK HOLTZMAN,)	
DENNIS LOPRETTO, TODD GEBIS,)	
SAMUEL L. BOSTIC, JR., JAMES)	
TAYLOR, ARTHUR PERO, SCOTT)	
CAMPBELL and SHELLY GOULD)	
individually and in their official capacity,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 20th day of September, 2007, after the plaintiffs filed a second amended complaint in the above-captioned case, and after the defendants submitted a supplemental motion for summary judgment on Count IX, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendants' supplemental motion for summary judgment on Count IX of the second amended complaint (Document No. 80) is granted.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Leonard E. Sweeney, Esquire
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